



U.S. Department of Justice

*United States Attorney
Southern District of New York*

Application GRANTED. By May 2, 2022, the parties shall file a joint letter and proposed case management plan.

86 Chambers Street
New York, New York 10007

Dated: April 28, 2022

New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

April 27, 2022

By ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Denson v. United States, et al.*, No. 22 Civ. 314 (LGS)

Dear Judge Schofield:

This Office represents defendant the United States of America (the “Government”) in the above-referenced matter brought pursuant to the Federal Tort Claims Act (“FTCA”).¹ Pursuant to the Court’s March 28, 2022 Order, ECF No. 13, the parties have been conferring regarding a joint letter and proposed case management plan (collectively, “CMP”) to file today. This afternoon, plaintiff sent the Government a signed Notice of Voluntary Dismissal, and it is my understanding that plaintiff intends to file that Notice and dismiss this action. Because the Government has not yet answered the Complaint, the Notice of Voluntary Dismissal is pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). In light of this development, the parties have not filed a CMP and the Government respectfully requests a two-day extension of time to permit plaintiff an opportunity to file the Notice of Voluntary Dismissal. The Government has previously requested one extension of time for submission of the CMP, which the Court granted. ECF No. 13.

We thank the Court for its consideration of this request.

¹ The Complaint additionally names Michael Leteri, a Federal Bureau of Investigation Special Agent, as a defendant and alleges that he was negligent in the course of his federal employment, resulting in personal injury to the plaintiff giving rise to this FTCA claim. (Compl. ¶¶ 5, 8-10.) The United States is the only proper defendant in this action, 42 U.S.C. § 233(a), and the Government will seek to have the claims against Special Agent Leteri dismissed, either through voluntary dismissal or by motion.

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Respectfully,

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United States Attorney

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cc: Plaintiff's Counsel (By ECF)